



CITY OF SUNNYVALE REPORT Planning Commission

February 27, 2006

SUBJECT: **2006-0043 - Cingular Wireless** [Applicant] **Sunnyvale School District** [Owner]: Application for a 11.2-acre site located at **450 North Sunnyvale Avenue** (Bishop Elementary School near E Maude Ave) in a P-F (Public Facility) Zoning District.

Motion Use Permit to allow a new 50-foot tree pole telecommunication facility with six panel antennas and associated ground equipment.

REPORT IN BRIEF

Existing Site Conditions School & Daycare

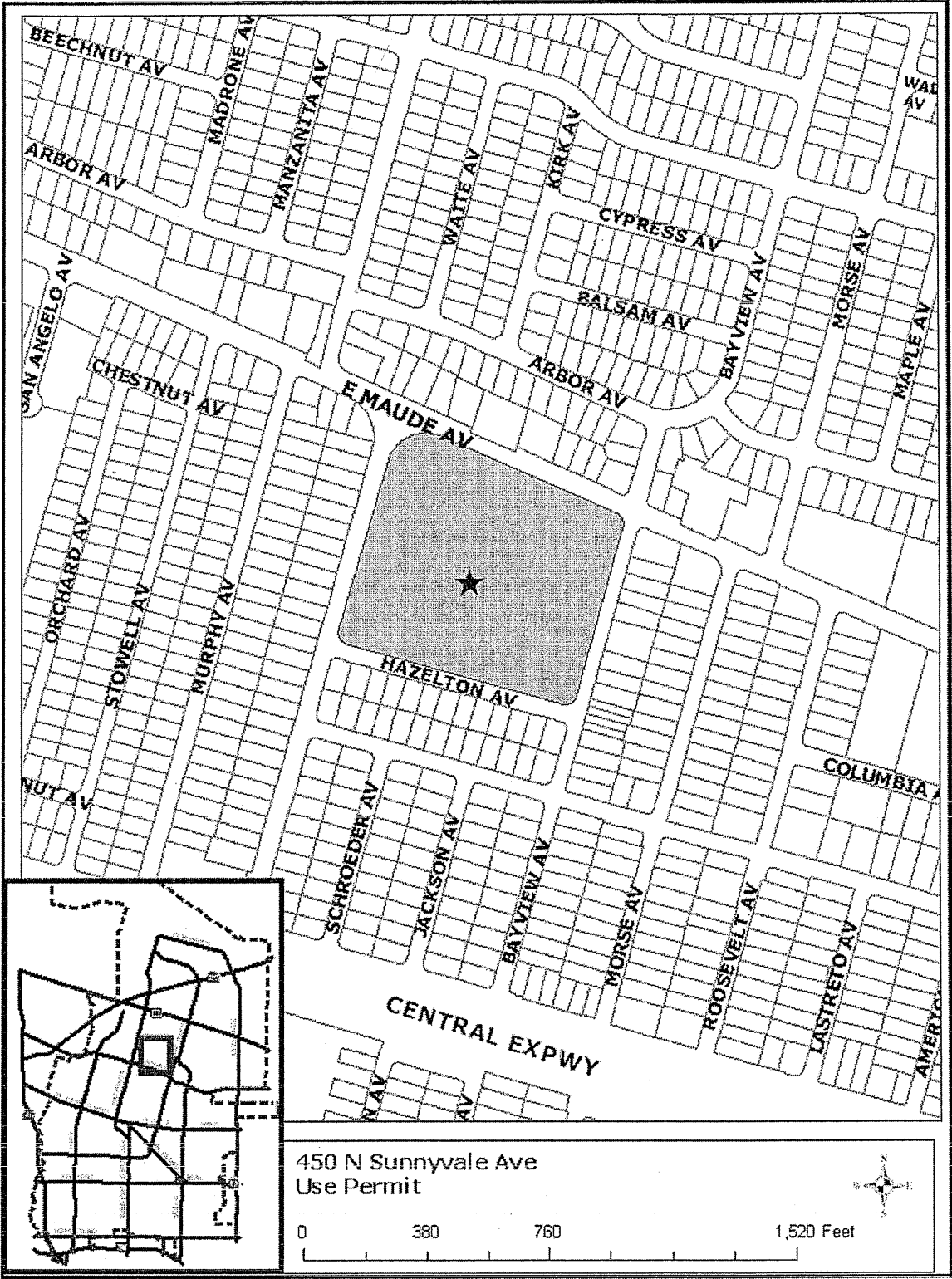
Surrounding Land Uses

North	Commercial & Single-Family Homes
South	Single Family Homes
East	Single Family Homes
West	Single Family Homes

Issues Single Family Homes

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	School	Same	School
Zoning District	PF	Same	PF
Lot Size (s.f.)	487, 436	Same	No min.
Area of Equipment Enclosure at the Base of the Pole (s.f.)	N/A	297	No Max.
Monopole Height	N/A	50'	Up to 65 ft. permitted with Major Use Permit
Setbacks of Proposed Monopole (Facing Maude Avenue)			
Front (E. Maude Ave.)	N/A	52'	20' min.
Left Side (N. Sunnyvale Ave.)	N/A	Approx. 480'	4' min. (12 ft. combined)
Right Side (Bayview Ave.)	N/A	Approx. 220'	8' min. (12 ft. combined)
Rear (Hazelton Ave.)	N/A	Approx. 540'	20' min.
Setback From Residential Property	N/A	120' 6"	100' min.

ANALYSIS**Description of Proposed Project**

The proposed project is for a new telecommunication facility designed as a "tree pole" to be located at the Bishop Elementary School site (450 N. Sunnyvale). The facility is composed of six antennas mounted on a 50 foot tree pole and ancillary ground equipment. The actual location of the facility would be near the East Maude Avenue frontage of the site towards the intersection with Bayview Avenue.

Background

Previous Actions on the Site: There are no previous planning applications related to the subject site.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Use Permit

Site Layout: The site consists of an elementary school and daycare center. The proposed “tree pole” would be located adjacent to a daycare building at the north end of the site. The six 52” antennas would be located at the top of the 50-foot pole. Ground equipment would be positioned at the base of the pole within a 297 square foot enclosed area. A six-foot board-on-board wood fence encloses the equipment area. An existing chain-link fence is also positioned around the perimeter of the site and in front of the equipment area. An existing portable shed will be relocated from this location. For more detail, a site plan can be reviewed in Attachment D.

Design: The proposed monopole facility is designed as a faux tree, or “monopine.” Six antennas, three arrays of two, are positioned at the top of the pole. The antennas project approximately 3 feet from the pole. Due to the design, flush mounted antennas would not allow the facility to operate effectively. The design incorporates artificial branches that partially obscure the view of the antennas from the surrounding area. SMC Section 19.54.040(p) states that “the facility shall not be readily visible to the nearest residentially zoned property”. The pole would be readily visible from nearby residential properties but camouflaged within an artificial tree structure.

As these facilities are not permitted on residentially zoned properties, the ability to find locations and serve these neighborhoods is significantly limited. A coverage analysis is included in Attachment #F. The applicant has explored other locations that provide adequate coverage while also providing a camouflage design that meets aesthetic standards. A location across Maude Avenue was considered previously by the applicant but was withdrawn due to significant concerns with design and location.

Landscaping: The proposal does not involve the removal of any existing trees. To provide an additional visual buffer, staff has required Condition of Approval

#5E, which requires additional vegetation planted around the wood fence that encloses the equipment area.

Radio Frequency (RF) Emissions Exposure: According to the RF emissions report submitted by the applicant, and conducted by Hammett & Edison, Inc., the proposed facility would emit a maximum 0.84% of the public exposure limit if measured from the nearest roof top. For a person anywhere on the ground, exposure levels would not exceed .39%. The FCC is the final authority on safety of telecommunications facilities. If the facility meets the FCC standards, the City is not permitted to make additional judgments on health and safety issues. The proposed application can only be considered with regard to design and location criteria.

To ensure the facility does not exceed federal emission standards, staff recommends that the applicant take two readings of radio frequency emissions: one before the facility is constructed (to take the ambient level of existing emissions) and one after the facility is complete and operating at full capacity. These readings should be taken adjacent to the monopole near the daycare center and at each property line. The results shall be submitted to the Director of Community Development in order to ensure the facility meets Federal standards (Condition of Approval 1J).

Compliance with Development Standards/Guidelines: The site complies with all development standards and complies with FCC requirements for RF emission.

Expected Impact on the Surroundings: The proposed “tree pole” will have the greatest visual impact to the properties directly across East Maude Avenue. However; staff finds that the proposed facility, as conditioned, should blend in with nearby trees to provide a natural backdrop to the proposed tree pole. Other locations on the site have been explored by the applicant and were not chosen due to coverage objectives and the lack of nearby trees. Staff also explored with the applicant a desire to reduce the diameter of the tree pole from the current 24” – 30” that is requested. The applicant noted the current pole diameter, would enable co-location of up to 1 – 2 more facilities (Condition of Approval #3A2 requires that the pole diameter not exceed 24”). The diameter could be reduced to 20” if no future co-location was desired by the City. Staff is acceptable to the current design to encourage co-location rather than explore multiple monopole locations for the vicinity of the site in the future.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The applicant attended a PTA meeting held at the school and gave a presentation regarding the proposal. The leasing managers and an engineer with the company that conducted the emissions study were also present. Staff has received a few inquiries via phone regarding the proposal, but no written comments have been submitted prior to the draft of this report.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 180 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit, Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

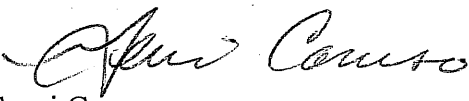
Recommendation

Alternative 1.

Prepared by:


Ryan M. Kuchenig
Project Planner

Reviewed by:


Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Photo-simulations
- F. Coverage Maps provided by the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Telecommunications Policy Goal B: *Promote universal access to telecommunications services for all Sunnyvale citizens.*

Land Use and Transportation Element Action Statement N1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Land Use and Transportation Element Policy N1.3 – *Support a full spectrum of conveniently located commercial public and quasi-public uses that add to the positive image of the city.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding met)* The new telecommunication facility will provide additional services to the surrounding area while also providing a design that adequately blends in with the surrounding residential and commercial neighborhoods.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. *(Finding met)* The “monopine” design, as conditioned, will not negatively impact nearby properties and RF emissions will be substantially lower than FCC regulations permit.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission.
- G. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- H. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.
- I. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.

- J. The applicant shall submit to the Director of Community Development Radio Frequency Emissions at least two reports of field measurements showing: 1.) The ambient level of RF emissions before construction of the facility and 2.) The actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at each property line.
- K. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- L. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - 1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - 2. Name, address and telephone number of a local contact person for emergencies.
 - 3. Type of service provided.
- M. The owner or operator shall maintain, at all times, a sign mounted on the outside fence along East Maude Avenue showing the operator name, site number and emergency contact telephone number.
- N. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- O. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

- P. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- Q. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- R. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. A pollutant means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- S. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- T. No wireless telecommunication facility shall be sited or operated in such a manner that is poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of faculties shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive

standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

- U. Prior to building permit final, the applicant shall measure the noise from the ground equipment from the surrounding homes to ensure compliance with Sunnyvale Municipal Code standards.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The plans shall be revised to be consistent with the Design Guidelines to provide the following:

1. The "monopine" design shall incorporate a full bark design
2. The diameter of the pole shall not exceed 24".

4. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.

5. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
- B. No trees shall be removed as a part of this application
- C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- E. Provide additional vegetation around the proposed wood fence that encloses the ground equipment.